

## REMARKS

### **Objections to Drawings have been Corrected**

The drawings have been corrected. The source Web page 65 in Fig. 2 and its copy 66 have been labeled as HTML documents to correspond to their description in the specification. HTML documents are of course hypertext markup language documents. Also Fig. 2 has been corrected to include numerals 67 for hyperlinks to correspond to their description in the text. These changes are included in attached REPLACEMENT DRAWING for Fig. 2.

### **Specification has been Amended to Satisfy Objections**

The Title has been removed from Abstract.

The Specification Title has been amended to more concisely define the claimed invention.

The Specification has been amended to more accurately designate Trademarks and Trade names as suggested by Examiner.

### **Objection to claims**

Claim 2 has been amended as suggested by Examiner.

### **Rejection of the claims under 35 USC 101**

First, in order overcome the rejection of program claims 12-16 as covering non-statutory subject matter under 35 USC 101, claims 12-16 have been cancelled and rewritten as computer program claims 21-25 which respectively correspond in scope to cancelled claims 12-16.

It is submitted that the new program claims satisfy all of Examiner's objections to cancelled claims 12-16 upon which the 35 USC 101 rejection was based. The Examiner

indicated that the claims covered statutory subject matter but could be read on non-statutory subject matter. The claims have been rewritten to more clearly define the contribution of the computer program but also to eliminate any reading on non-statutory subject matter. The new claims describe the computer program being computer readable and on a computer usable medium, which program, when executed, produces the defined results .

Accordingly, it is respectfully requested that the rejection under 35 USC 101 be withdrawn, and that claims 21-25 be found to cover statutory subject matter.

**35 USC 101 Rejection: Lack of tangible Result in claims 1-11 and 21-25**

In response to the rejection under 35 U.S.C. 101 of the claims as being directed to non-statutory subject matter, Applicants submit that the claims do not relate to an abstract idea; there is a tangible result provided. There is clearly a practical application in the technological arts i.e. a method, system and computer program for the creation and modification of World Wide Web documents at sources of such Web documents. The production of such Web documents certainly meets the tangible result required for patentable subject matter.

In this connection, it is submitted that the claims, 1-11 and 21-25, as amended, meet the criteria set forth by the U.S. Court of Appeals for the Federal Circuit in State Street Bank and Trust Co. v. Signature Financial Group Inc. (149F3rd1368) 7/23/98 for tangible patentable subject matter under 35 U.S.C. 101. Accordingly, it is submitted that claims 1-11, and 21-25 define patentable subject matter under 35 USC 101.

**35 USC 101 Rejection of claims 17-20.**

Applicants take issue with the Examiner that claims 17-20 define only define a physical or logical relation between data structures designed to support manipulation. The claims define hypertext markup language (HTML) World Wide Web documents. Hundreds of books and thousands of publications have been written about the HTML protocol and the documents produced by HTML. HTML tags are known and described as part of the HTML language used for a variety of function. Applicants submit that in the art, tags in HTML documents are known tangible structural implementations.

**Rejection of claims 1-11 and 17-25 under 35 USC 102(b) as being anticipated by Pogrebisky (US5,958,008) is respectfully traversed.**

In order to reject under 35 USC 102, the reference must expressly or impliedly teach every element of the invention without modification. Pogrebisky fails to teach this.

The present invention relates to the creation of Web documents at a source of such documents on the Web. Independent Claims 1, 7 and 21, all claim the combination, or subject matter corresponding to the combination:

"..prioritizing said plurality of embedded hyperlinks in a source Web document at a source site; and

applying said prioritization in the determination of the order in which the Web documents linked to the activated embedded hyperlinks in said Web document are to be accessed."

Pogrebisky provides programs for the analysis of Web sites i.e. sources of Web document. In carrying out such analysis, Pogrebisky provides tools including tools for sorting functions at the Web site. With respect to the step of prioritizing, Examiner cites col 16, line 59 to col 17, line 7 in Pogrebisky. In this section, the reference mentions sorting by the number of links to each of a plurality of nodes at the Web site. In other words, there is a sort by the count of the number of links to each node in the Web site.

It is submitted that this sorting is not prioritizing hyperlinks in a source Web document. Rather, it is a sort of activity at nodes within a Web site or source. In addition, the sorting is not prioritizing. For, example, a function can sort by colors without prioritizing according to colors. Likewise, one can sort by numbers without

prioritizing according to the numbers.

In addition, the Examiner does not cite any element or function in Pegrobisky which discloses the claimed

"applying said prioritization in the determination of the order in which the Web documents linked to the activated embedded hyperlinks in said Web document are to be accessed."

The Pegrobisky patent appears to have little to do with the priority of the order in which the Web documents linked to hyperlinks embedded in Web documents are to be accessed.

Accordingly, it is submitted that with respect to claims 1-11, and 17-25, Pegrobisky fails to fulfill the requirements of an anticipatory reference under 35 USC 102(b) which requires that the reference must expressly or impliedly teach every element of the invention without modification.

The inclusion of hypertext markup language tags in claims 17-20 further distinguish over Pegrobisky.

These claims include the element:

"..a hypertext markup language tag associated with each embedded hyperlink indicating the priority of each hyperlink in the determination of the order in which the Web documents linked to the activated embedded hyperlinks in said Web document are to be accessed."

For this teaching, Examiner, in addition to what has been discussed hereinabove, cites col 6, lines 52-65 in Pegrobisky. All this section includes is a general description of HTML document tags which are generally used for control purposes. There is nothing in this description of tags which discloses markup language tags having anything to do with prioritization for any purpose.

Thus, here again with respect to independent claim 17, and the dependent claims 18-20, it is submitted Pegrobisky fails to fulfill the requirements of an anticipatory reference under 35 USC 102(b) which requires that the

reference must expressly or impliedly teach every element of the invention without modification.

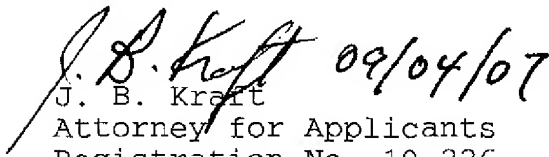
In addition, it is noted that each of dependent claims 3-6, 8-11, and 22-25 are submitted to be patentable for all of the reasons set forth hereinabove for the patentability of independent claims 1, 7, and 21 from which these claims respectively depend. In addition, dependent claims 3-8, 8-11, and 22-25 are further patentable over Pegrobisky because they include hypertext markup language tag associated with each embedded hyperlink indicating the priority of each hyperlink in the determination of the order in which the Web documents linked to the activated embedded hyperlinks in said Web document are to be accessed.

In view of the foregoing, it is submitted that claims 1-11, and 17-25 are now in condition for allowance, and such allowance is respectfully requested.

Interview Request

There has been no prior Interview in this Application. Applicants respectfully request that a telephone interview be granted to the undersigned Attorney on October 10, 2007 at 2 PM Eastern Time. Applicants arguments re 35 USC 102 is intended to server as Applicants' Agenda. Examiner is respectfully requested to confirm this date or suggest an alternative interview date either by calling the Attorney's number below or by fascimile to 512-473-2388.

Respectfully submitted,

 09/04/07  
J. B. Kraft  
Attorney for Applicants  
Registration No. 19,226  
(512) 473-2303

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

Greg Doudnikoff  
Intellectual Property Law Dept.  
IBM Corporation, BLDG YXSA/B002  
3039 Cornwallis Rd.  
P.O. Box 12195  
Research Triangle Park, NC 27709-2195